



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 24, 1995

Mr. G. Mike Davis  
State Fire Marshal  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, Texas 78768-2286

OR95-671

Dear Mr. Davis:

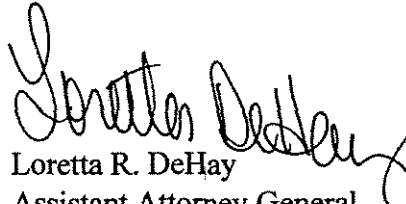
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31250.

The Texas Commission on Fire Protection (the "commission") received two requests for documents concerning a fire that occurred on November 11, 1994, in Kaufman County, Texas. You claim that the bulk of the report is excepted from disclosure pursuant to section 552.108 of the Government Code and have provided to this office a copy of the records you believe to be excepted from disclosure.

You advise us that the requested information relates to an active investigation by the Office of the State Fire Marshal. We note that the Office of the Attorney General has recently issued Open Records Letter No. 95-642 (1995) a "previous determination" to the Texas Commission on Fire Protection pursuant to section 552.301 of the Government Code for records of active investigations the commission claims are excepted from disclosure under section 552.108. Accordingly, the commission may rely on the ruling in Open Records Letter No. 95-642 (1995) (copy enclosed) as a determination for this request for information. Please use the markings on the documents submitted with Open Records Letter No. 95-642 (1995) as a guide for releasing the information deemed open under *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). If you receive a new request for these records once the investigation is closed and

you wish to withhold the records under section 552.108, you may not rely on Open Records Letter No. 95-642 (1995). In that case, you must request a ruling from this office to explain how release of the records would unduly interfere with law enforcement. See Open Records Decision No. 611 (1992) at 2.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/LBC/rho

Ref: ID# 31250

Enclosures: Open Records Letter No. 95-642 (1995)  
Submitted documents

cc: Mr. Mark A. DeMarino  
Adjuster  
Gulf Coast Claims Service  
11505 Chimney Rock Road  
Houston, Texas 77035-2998  
(w/o enclosures)

Mr. Robert O. Lamb  
Thompson, Coe, Cousins, & Irons, L.L.P.  
c/o Mr. Ed Salazar  
Office of the Fire Marshal  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, Texas 78768-2286  
(w/o enclosures)